

**US Army Corps
of Engineers®**

LOS ANGELES DISTRICT

PUBLIC NOTICE



NOTICE OF AVAILABILITY FOR A
DRAFT EIS/EIR, APPLICATION FOR PERMIT,
AND NOTICE OF A PUBLIC HEARING

Public Notice/Application No.: SPL-2010-00142-LLC

State Clearinghouse No. 2010061062

Comment Period: August 17, 2011 through October 17, 2011

U.S. Army Corps of Engineers (NEPA) Project Manager: Lanika Cervantes (760) 602-4838

California Department of Fish and Game (CEQA) Project Manager: David Elms (760) 200-9394

Corps Permit Applicant/CEQA Lead Agency

California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Applicant Contact

Mr. David Elms
California Department of Fish and Game
(760) 200-9394

Location

The Salton Sea Species Conservation Habitat (SCH) Project would be located at the southern end of the Salton Sea, in an unincorporated area of Imperial County, California. The California Natural Resources Agency's preferred alternative for the SCH Project would be located near the mouth of the New River, although other alternatives under consideration would be located near the mouth of the Alamo River.

Activity

The SCH Project would restore shallow water habitat lost due to the Salton Sea's ever-increasing hypersalinity and reduced area as the Sea recedes. The Natural Resources Agency (applicant) is requesting a Section 404 permit from the U.S. Army Corps of Engineers (Corps) for the construction of up to 3,770 acres of shallow ponds and associated infrastructure at the southern end of the Salton Sea in Imperial County, California. This construction would permanently impact up to 24 acres and temporarily impact up to 1,760 acres of Waters of the U.S. Compared to existing conditions, the SCH Project would result in a net increase in the extent of Waters of the U.S. by up to 1,986 acres because the ponds would restore Waters of the U.S. between elevation -228 feet and -231 feet previously lost by the receding Sea. For more information, see pages 5 and 6 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work and the contents of the Draft EIS/EIR, which will become a part of the record and will be considered in the decision whether to issue the permit and approve the Project. The Department of the Army permit will be issued or denied under Section 404 of the Clean Water Act (33 United States Code [USC] 1344). An online e-form is provided on the Natural Resources Agency – Department of Water Resources' website: <http://www.water.ca.gov/saltonsea/> **and is the preferred method of comment submittal.**

Alternatively, written comments also can be mailed to:

Lanika Cervantes
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division – San Diego Field Office
ATTN: CESPL-RG-S-2010-00142-LLC
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

or

David Elms
California Department of Fish and Game
78078 Country Club Drive, Suite 109
Bermuda Dunes, CA 92203

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, because the proposed action would discharge dredged or fill material into Waters of the U.S., the evaluation of the activity will include application of the U.S. Environmental Protection Agency's Guidelines (40 Code of Federal Regulations [CFR] Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps and Natural Resources Agency are soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider

and evaluate the impacts of the SCH Project alternatives. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal and will be considered by the Natural Resources Agency in determining whether to approve and implement the preferred alternative. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. In this case, comments will be used in the preparation of the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) pursuant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). **Comments are also used to determine the overall public interest of the proposed activity.**

Preliminary Review of Selected Factors

EIS/EIR Determination- The Corps and Natural Resources Agency have determined that an EIS/EIR is required for the proposed work, and this public notice supplements the Notice of Intent to Prepare a Draft Environmental Impact Statement/Environmental Impact Report that was published in the Federal Register in June 2010 and the Notice of Preparation that was submitted to the State Clearinghouse at that time. The document is a joint Federal and state document. The Draft EIS/EIR is a project-level document that addresses a number of interrelated actions over a specific geographic area that (1) would occur as logical parts in the chain of contemplated actions, and (2) would be implemented under the same authorizing statutory or regulatory authorities. The information in the Draft EIS/EIR will be sufficient for the Corps to make a decision regarding the issuance of a Section 404 permit for the SCH Project. The Corps and Natural Resources Agency will work cooperatively and coordinate the public noticing and hearing processes under Federal and state laws.

The Corps' impact analysis follows the directives in 33 CFR 325, which requires that it be limited to the impacts of the specific activities requiring a Section 404 permit and only those portions of the SCH Project outside of Waters of the U.S. over which the Corps has sufficient control and responsibility to warrant Federal review. The Corps will extend the geographic scope of the environmental analysis beyond the boundaries of Waters of the U.S. in certain areas to address indirect and cumulative impacts of the regulated activities, and to address connected actions pursuant to NEPA guidelines (40 CFR 1508[a][1]). In these upland areas, the Corps will evaluate impacts on the environment and identify feasible and reasonable mitigation measures and the appropriate state or local agencies with authority to implement these measures if they are outside the authority of the Corps. However, the Corps will exercise its independent expertise and judgment in addressing indirect and cumulative impacts to upland areas due to issuance of the proposed Section 404 permit.

The Draft EIS/EIR will be available for public review at the following website:

<http://www.water.ca.gov/saltonsea/>. In addition, copies of the Draft EIS/EIR will be available for public review at the Corps office, 6010 Hidden Valley Road, Suite 105, Carlsbad, CA 92011; the DFG office, 78078 Country Club Drive, Suite 109, Bermuda Dunes, CA 92203; Brawley Public Library, 400 Main Street, Brawley, CA 92227; Calipatria Public Library, 225 West Main Street, Calipatria, CA 92233; Imperial Public Library, 200 West 9th Street, Imperial, CA 92251; El Centro Public Library, 375 South 1st Street, El Centro, CA 92243; Imperial County Free Library, 2098 Frontage Road, Salton City,

CA 92275; Mecca-North Shore Public Library, 91-260 Avenue 66, Mecca, CA 92254; and Coachella Branch Library, 1538 7th Street, Coachella, CA 92236. References cited in the Draft EIS/EIR will be available for review at the Corps office in Carlsbad and the DFG office in Bermuda Dunes, both mentioned above.

Significant Environmental Impacts Associated with the Preferred Alternative- The Draft EIS/EIR identified significant unavoidable impacts on air quality and environmental justice associated with construction and operation of the preferred alternative. Impacts on biological resources, cultural resources, and paleontological resources would be significant, but mitigable to less than significant.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

Cultural Resources- As part of the NEPA and Section 404 process, the Corps is required to evaluate all cultural and historic resources within the Corps' scope of analysis in the project area. In October 2010, the Native American Heritage Commission was contacted, and a list of Native American individuals/organizations that could have knowledge of cultural resources in the SCH Project area was received. In April 2011, letters were forwarded to all the individuals and organizations on the above list requesting any information or comments regarding the proposed SCH Project area. Consultation with the State Historic Preservation Officer, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, will occur for any anticipated effects of the proposed activities on cultural resources eligible for listing or listed on the National Register of Historic Places.

Endangered Species- The Corps has determined the SCH project may affect/is likely to adversely affect several Federally listed endangered species, including desert pupfish (*Cyprinodon macularius*) and Yuma clapper rail (*Rallus longirostris yumanensis*), known to utilize habitat in the vicinity of the proposed SCH Project. Based on the above determinations, the Corps will initiate formal consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

Public Hearings- The Corps and the Natural Resources Agency will jointly conduct a series of public hearings to receive comments on the SCH Project Draft EIS/EIR. The public hearings will be conducted on **September 14, 2011 at 1:00 P.M.** at the **Calipatria Inn and Suites**, located at **700 North Sorenson Avenue**, in Calipatria, California; on **September 14, 2011 at 6:00 P.M.** at the **Elks Lodge #1420**, located at **161 South Plaza Street** in Brawley, California; and on **September 15, 2011 at 1:00 P.M.** at the **University of California at Riverside**, located at **75-080 Frank Sinatra Drive, Room B200** in Palm Desert, California. Participation in the public hearing by Federal, state, and local agencies, and other interested private citizens and organizations is encouraged. During the public hearing, anyone wishing to make a statement will be allocated a certain amount of time to provide information on the proposed project. The amount of time each person is allowed will be directly dependent on the

number of people who sign up to speak at the public hearing. We would like to encourage interest groups to designate an official spokesperson to present the group's views. We will allocate a larger amount of time to official representatives of such groups upon request. Groups wishing to designate an official representative must notify the Corps or the DFG in writing prior to, but no later than **August 31, 2011. The determination of this extended speaking time will be based on the number of responses received by the Corps and DFG. This rule will be strictly enforced at the discretion of the hearing officers** (for a map showing the location of the public hearings, please see Figure 1).

In addition, the Corps and Natural Resources Agency will be receiving written comments into the administrative record from anyone who wishes to provide them from **August 17, 2011** until **October 17, 2011** (i.e., the close of the comment period for this public notice).

Proposed Activity for Which a Permit is Required

The SCH Project would provide habitat for both fish and invertebrate species, which in turn would provide forage for the numerous bird species dependent on the Salton Sea ecosystem. Salinity would be managed at a variety of ranges to support various assemblages of invertebrates and fish to diversify the prey base for as wide a variety of bird species as possible. The SCH ponds would be designed to serve those piscivorous bird species that are expected to experience significant declines as functional Salton Sea habitat is lost due to increasing salinity. For many of these species, a significant proportion of their population uses the Salton Sea.

The Natural Resources Agency's preferred alternative would create approximately 3,770 acres of shallow ponds, contained within low berms, on either side of the New River at elevations less than - 228 feet mean sea level. The ponds would be supplied with a combination of brackish and saline water. This water would be pumped from the New River and Salton Sea, respectively, and blended to maintain an appropriate salinity range. The SCH Project is designed as a "proof-of-concept" project in which several Project features, characteristics, and operations could be tested under an adaptive management framework. The proof-of-concept period would last for approximately 10 years after completion of construction. By that time, managers would have had time to identify those management practices that best meet the Project goals. After the proof-of-concept period, the Project would be operated until the end of the 75-year period covered by the Quantification Settlement Agreement (2078) or until funding were no longer available. The SCH ponds would be constructed and operated by the California Department of Fish and Game (DFG), on behalf of the Natural Resources Agency.

Various activities associated with the SCH Project would require Corps permitting. SCH Project construction includes some actions likely to involve dredging, excavation, or placement of structures in Waters of the U.S., including wetlands. Many of the proposed activities would require a Section 404 permit because the activities would discharge fill material on the riverbed or banks within the Corps' jurisdictional limits within the New River or the Alamo River and the Salton Sea. The Natural Resources Agency (Project's CEQA lead agency) is preparing and requesting a Section 404 Individual

Permit. This permit will address Project-related impacts on the Waters of the U.S. and provide appropriate mitigation measures to minimize impacts.

Additional Project Information

To satisfy the requirements of NEPA and CEQA and provide the basis for the Section 404(b)(1) alternatives analysis, seven alternatives are currently being considered within the EIS/EIR, including the No Federal Action/No Action alternative (no issuance of a Section 404 permit and, therefore, no construction of facilities within Waters of the U.S. and no physical changes in the project area). The six project alternatives include different locations, sizes, and configurations of various proposed SCH ponds and facilities, such as independent and cascading ponds, pumped or gravity diversion of brackish river water, and associated infrastructure, a saline water pump and associated pipeline, and various habitat features near the mouths of the New and Alamo rivers along the southern end of the Salton Sea (Figures 2 and 3). A draft 404(b)(1) alternatives analysis will be completed and included in the Final EIS/EIR. In consideration of the Section 404(b)(1) Guidelines, the six project alternatives were designed to increase the level of avoidance and minimization of impacts on Waters of the U.S., including wetlands and also would result in varied long-term increases in Waters of the U.S.

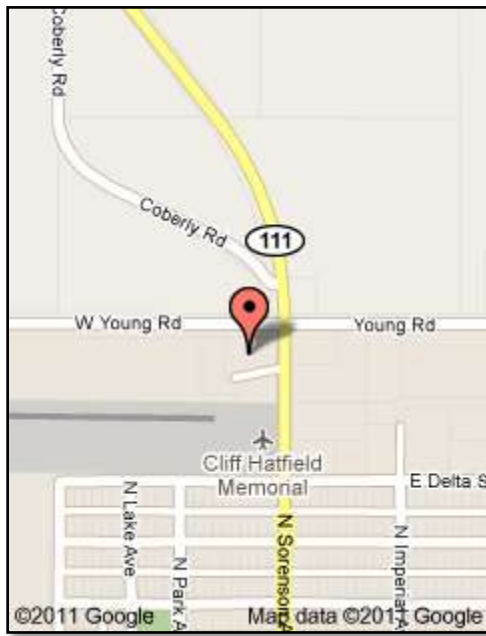
Proposed Special Conditions

None at this time.

For additional information, please call Rick Davis of the Davis Group at (760) 610-2072 or email CAFishandGame@davisgroupca.com. Alternatively, you may contact the Corps and DFG project managers identified above. This public notice is issued by the Corps of Engineers, Chief, Regulatory Division and by the California Secretary for Natural Resources.

Please notify Rick Davis at least 15 days prior to the hearing date if you have any special accommodation and /or communication needs.

Calipatria Inn and Suites



700 North Sorenson Avenue
Calipatria, CA

September 14, 1 P.M.

Elks Lodge #1420



161 South Plaza Street
Brawley, CA

September 14, 6 P.M.

University of California at Riverside



75-080 Frank Sinatra Drive, Room B200
Palm Desert, CA

September 15, 1 P.M.

Figure 1 Location of Public Meetings



Figure 2 Generalized Locations of the Alternative SCH Project Sites

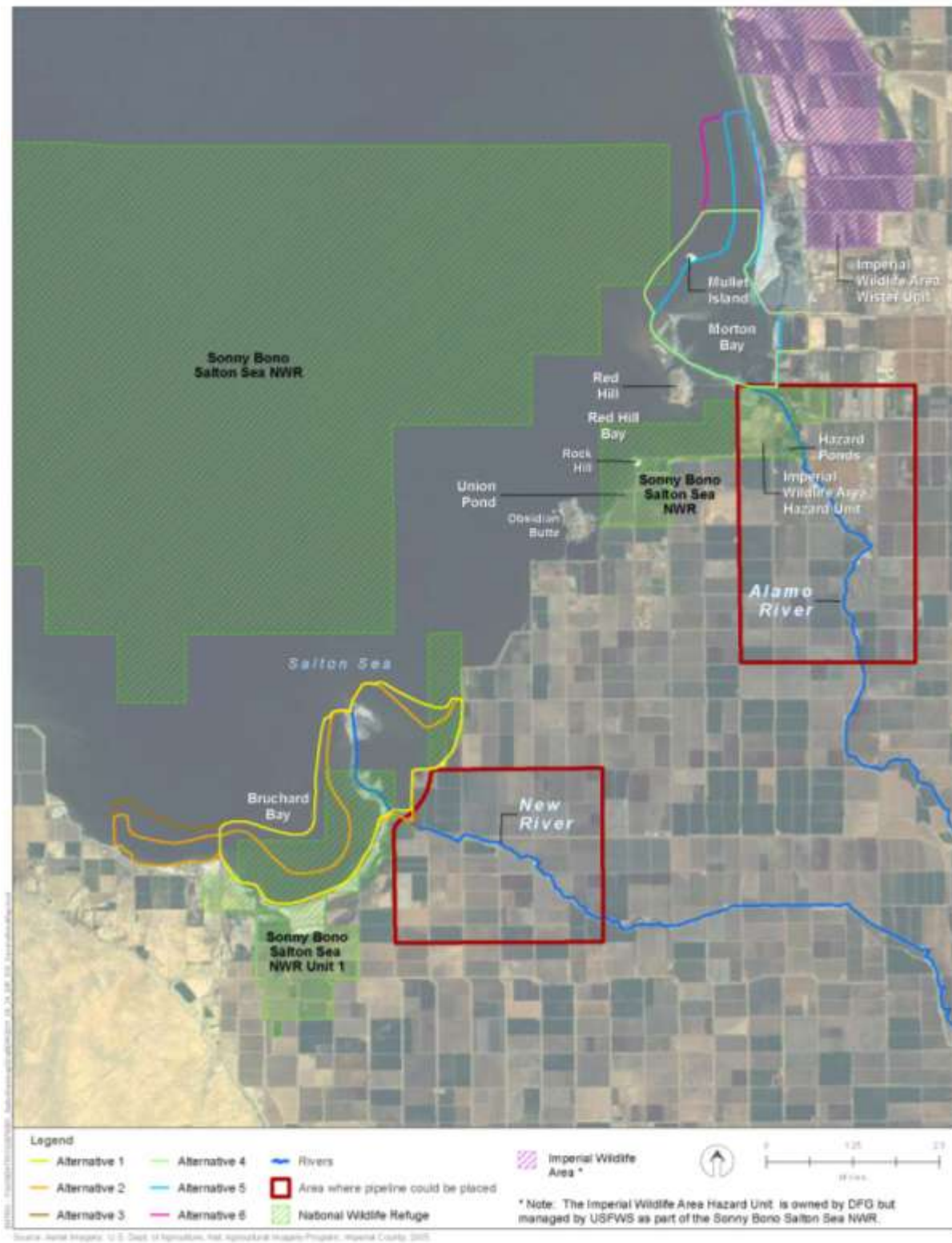


Figure 3 SCH Project Alternative Locations